

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:10-cv-000155-MR-DCK**

**FRANZ E. KLOPFER, et al.,**

**Plaintiffs,**

**VS.**

**QUEENS GAP MOUNTAIN, LLC;  
et al.,**

## Defendants.

## ORDER

**THIS MATTER** is before the Court for resolution of the Plaintiffs' Motion for Voluntary Dismissal [Doc. 56] and the Plaintiffs' Objections [Doc. 62] to the Magistrate Judge's Memorandum and Recommendation [Doc. 61] regarding said motion.

The facts, legal issues, and causes of action asserted by the parties in the present matter are substantially similar to those in the case of Walker, et al. v. Queens Gap Mountain, LLC, et al., No. 1:10-cv-00290-MR-DCK (W.D.N.C.), and the same attorneys appear on behalf of the parties in both actions. Even though these cases have not been consolidated, the decision of this Court in the Order previously entered in Walker addresses

and disposes of all of the legal issues raised by the motion currently before the Court in this matter. The Order in Walker, therefore, is incorporated herein, and the current motion will be disposed of in accord therewith.

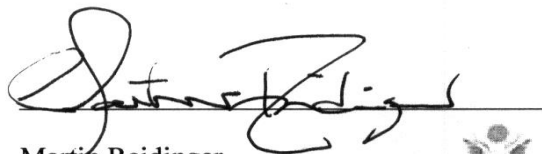
### **ORDER**

**IT IS, THEREFORE ORDERED** that the Plaintiffs' Objections [Doc. 62] are **REJECTED**; the Magistrate Judge's Memorandum and Recommendation [Doc. 61] is **ACCEPTED**; and the Plaintiffs' Motion for Voluntary Dismissal [Doc. 56] is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiffs shall file within 45 days hereof a Notice indicating that (1) an Arbitrator has been selected, (2) the name of the proposed Arbitrator, and (3) a proposed commencement date or schedule for Arbitration to begin. Should Plaintiffs fail timely to file such Notice, the Court will enter an order dismissing this action with prejudice.

**IT IS SO ORDERED.**

Signed: October 1, 2013

  
Martin Reidinger  
United States District Judge

